

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC LEE MANY GUNS,

Defendant.

CR-12-45-GF-BMM-01

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS OF MAGISTRATE
JUDGE TO REVOKE DEFENDANT'S
SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 2, 2015. (Doc. 46). Neither party filed objections. The Court need not review *de novo* the proposed Findings and Recommendations when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Many Guns admitted to having violated one condition of his supervised release. (Doc. 46). Many Guns admitted to having violated special condition 3 by consuming alcohol. *Id.*

Judge Johnston found Many Guns's admission sufficient to establish a supervised release violation. *Id.* Judge Johnston recommends that the Court revoke Many Guns's supervised release and sentence Many Guns to three (3) months in custody followed by thirty-three (33) months supervised release. *Id.* Judge Johnston further recommends two more conditions be added to the terms of Many Guns's supervised release: (1) that upon release from custody, Many Guns be placed in a Residential Reentry Center (RRC) for a term of 120 days; and (2) that Many Guns comply with Violent Offender Registration requirements in any state in which he resides. *Id.*

Many Guns's criminal history category is I, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of twenty-four (24) months in custody. The applicable guideline custody range is three (3) to nine (9) months. The Court may impose a term of supervised release of up to thirty-six (36) months, less any custody time imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Many Guns admitted that he violated a term of his supervised release. In light of his non-compliance and alcohol consumption, a sentence of three (3) months imprisonment, followed by thirty-three (33) months supervised release, is appropriate. Upon release, Many Guns will be placed at a Residential Reentry Center, for a term of 120 days.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 46) is ADOPTED IN FULL. Many Guns's conditions of supervised release are MODIFIED to include the following conditions:

1. The defendant shall reside in a Residential Reentry Center (RRC) under contract with the United States Bureau of Prisons, in the pre-release component, for a period of 120 days. The defendant shall abide by all rules and regulations of the center and successfully complete any programming as deemed appropriate by the United States Probation Office.
2. The defendant shall comply with Violent Offender Registration requirements for convicted offenders in any state in which the defendant resides.

Judgment shall be entered accordingly.

DATED this 18th day of June, 2015.



Brian Morris
United States District Court Judge